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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,237	11/30/2001	Erik Richard Smith	ICRU002/01US	2516
22903	7590	08/02/2004	EXAMINER	
COOLEY GODWARD LLP ATTN: PATENT GROUP 11951 FREEDOM DRIVE, SUITE 1700 ONE FREEDOM SQUARE- RESTON TOWN CENTER RESTON, VA 20190-5061			NGUYEN, HIEP T	
			ART UNIT	PAPER NUMBER
			2187	

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/997,237

Applicant(s)

SMITH ET AL.

Examiner

Hiep T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 18-19 and 23-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/28/02 & 4/4/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-26 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 8-9, 17, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Chandra et al., U.S. patent no. 6,457,047 [hereafter, Chandra].

(a) As per claim 1: Chandra teaches a system [figure 1] for delivering dynamic content [col.

3, lines 40-47] to a client coupled to a network, wherein the client sends a request for the dynamic content to an origin site coupled to the network, and wherein the origin site accesses a database [col. 4, lines 60-67], the system comprising:

- i. a plurality of caches (26s) coupled to the network, each including:
  1. data replicated from the database, and
  2. application logic to generate the dynamic content using said data [col. 3, lines 3-7]; and
- ii. a router to route the request from the origin site to a cache selected from said plurality of caches [see again, col. 4, lines 60-67].

(b) As per claim 2: Chandra further teaches that the origin site includes an application server to deliver said application logic to said plurality of caches via the network [see again col. 3, lines 3-6; and col. 4, lines 32-39]

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- (c) As per claim 8: Chandra further teaches that said application logic generates the dynamic content based at least in part on information provided by the client [col. 6, lines 5-8].
- (d) As per claim 9: Chandra further teaches that the client comprises an individual en user [see figure 1, element 24].
- (e) As per claim 17: the further claimed limitation is also taught by Chandra [see again col. 6, lines 5-8].
- (f) As per claim 20: the claimed edge cache basically encompasses the same scope as that of the caches in claim 1. Accordingly, the claim is rejected for he same reason as set forth for that in claim 1.
- (g) As per claims 21-22, the claimed method basically comprising the steps that are carried out by the corresponding elements in claims 1-2. Accordingly, claims 21-22 are rejected for the same reason as set forth for claims 1-2.

***Claim Rejections - 35 USC § 103***

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
- 5. Claims 3-7 and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandra, as applied to claim 1 above and further in view of well-known features, of which Official Notice is hereby taken.
  - (a) As per claims 3-7:
    - i. Chandra teaches a system as mentioned in the rejection of claim 1. Chandra further teaches that:
      - 1. the application logic comprise a servlet program [col. 6, lines 3-8];

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2. the communications between said plurality of caches, the database, and the application server are directed through said router [see again col. 4, lines 60-67]
- ii. Chandra, however, does not teach that:
    1. the application server interacts with said servlet program according to a Remote Method Invocation (RMI) protocol; or
    2. the router is configured to perform protocol translations, or to provide security, or compression for said communications, or to provide delta encoding for updating said application logic.
  - iii. It has been known and commonly practiced in the pertinent art that:
    1. application servers interact with said servlet program according to a Remote Method Invocation (RMI) protocol; or
    2. Routers are configured to perform protocol translations, or to provide security, or compression for said communications, or to provide delta encoding for updating said application logic.
  - iv. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further configure:
    1. the Chandra application server to interact with said servlet program according to a Remote Method Invocation (RMI) protocol; or
    2. the router to perform protocol translations, or to provide security, or compression for said communications, or to provide delta encoding for updating said application logic so as to provide the router with the further security, compression, or delta encoding functionality.
- (b) As per claims 10-16, similarly to claims 3-7, the further claimed limitations are no more than obvious features that has been known and commonly practice in the pertinent art. One having ordinary skill in the art, who is familiar with those commonly practice features, looks at the teaching of Chandra, would lead he or she to further incorporate the

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mentioned commonly practice in the art features in to the system of Chandra so as to further gain advantages provides by the commonly practice features.

***Allowable Subject Matter***

6. Claims 18-19 and 23-26 are objected to as being dependent upon a rejected base claim, but would be allowable over the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- (a) Yates et al., 6,167,438, teaches a method and system for distributed caching, prefetching and replication.
  - (b) Karger et al., 6,553,420, teaches a method and apparatus for distributing requests among a plurality of resources.
  - (c) Datta, 6,622,168, teaches a dynamic page generation acceleration using component-level caching.
  - (d) Hengren, III, 6,701,415, teaches a method and system for selecting a cache for a request for information.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hiep T Nguyen whose telephone number is (703) 305-3822. The examiner can normally be reached on Monday-Friday from 9:30 a.m. to 6:00 p.m.
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (703) 308-1756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hiep T Nguyen  
Primary Examiner  
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HTN

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